

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Ian D. McRury et al.

Confirmation No. 3998

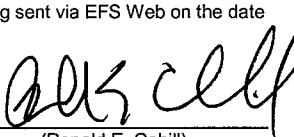
Application No. 10/024,625

Art Unit: 3731

Filed: December 18, 2001

Examiner: Darwin P. Erez

For: SUTURE WELDING SYSTEM AND METHOD

I hereby certify that this correspondence is being sent via EFS Web on the date shown below.	
Dated: March <u>6</u> , 2008	Signature: <u></u> (Ronald E. Cahill)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Appellant files this Response to Notice of Non-Compliant Appeal Brief in response to the Notification mailed March 3, 2008. Attached hereto is Replacement pg. 1 of the Appeal Brief filed February 11, 2008 which includes an edited **STATUS OF CLAIMS** section to identify the status of claims 2, 9-19, and 22 as requested in the Notification.

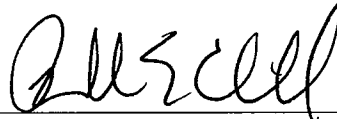
The Appellant believes the Appeal Brief is now in compliance with 37 C.F.R. 41.37.

In the event that a petition for an extension of time is required to be submitted at this time, Applicant hereby petitions under 37 CFR 1.136(a) for an extension of time for as many months as are required to ensure that the above-identified application does not become abandoned.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 22956-71.

Dated: March 6, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Cahill", written over a horizontal line.

Ronald E. Cahill, Reg. No. 38,403
Attorney for Appellant
NUTTER McCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, MA 02210-2699
Telephone: (617) 439-2550
Facsimile : (617) 310-9550

I. REAL PARTY IN INTEREST

The real party in interest is Ethicon, Inc. located in Somerville, New Jersey. Ethicon, Inc. derives its rights in this application by virtue of an assignment of the application by the inventors to Ethicon, Inc.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

Claims 1, 3-8, 20-21, and 23-34 are currently pending in the present application. The Examiner states that claim 8 is withdrawn from consideration. Claims 2, 9-19, and 22 are canceled. According to the Final Office Action mailed on January 4, 2007, the Advisory Action mailed on March 26, 2007, and the Notice of Panel Decision from Pre-Appeal Brief Review mailed on September 13, 2007, each of claims 1, 3-7, 20-21, and 23-34 stand finally rejected. Accordingly, claims 1, 3-7, 20-21, and 23-34 are subject to this appeal.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the final rejection. An Pre-Appeal Brief Request for Review was filed with the Notice of Appeal on June 4, 2007.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention relates to systems, devices and methods for welding lengths of suture to create a fixed attachment between lengths of suture without tying knots. In particular, the invention provides systems, devices and methods for welding a first length of suture to a second length of suture to create a fixed attachment between the two lengths of suture.

To fully understand the claimed invention, it is first necessary to appreciate the state-of-the-art at the time of the Applicants' invention, which represents the background against which the claimed invention was developed.